

78

AMENDED CHARTER

OF

THE UNIVERSITY

OF

KING'S COLLEGE.

1488.

TORONTO:
H. & W. ROWSELL, KING STREET.

MDCCCXLIII.

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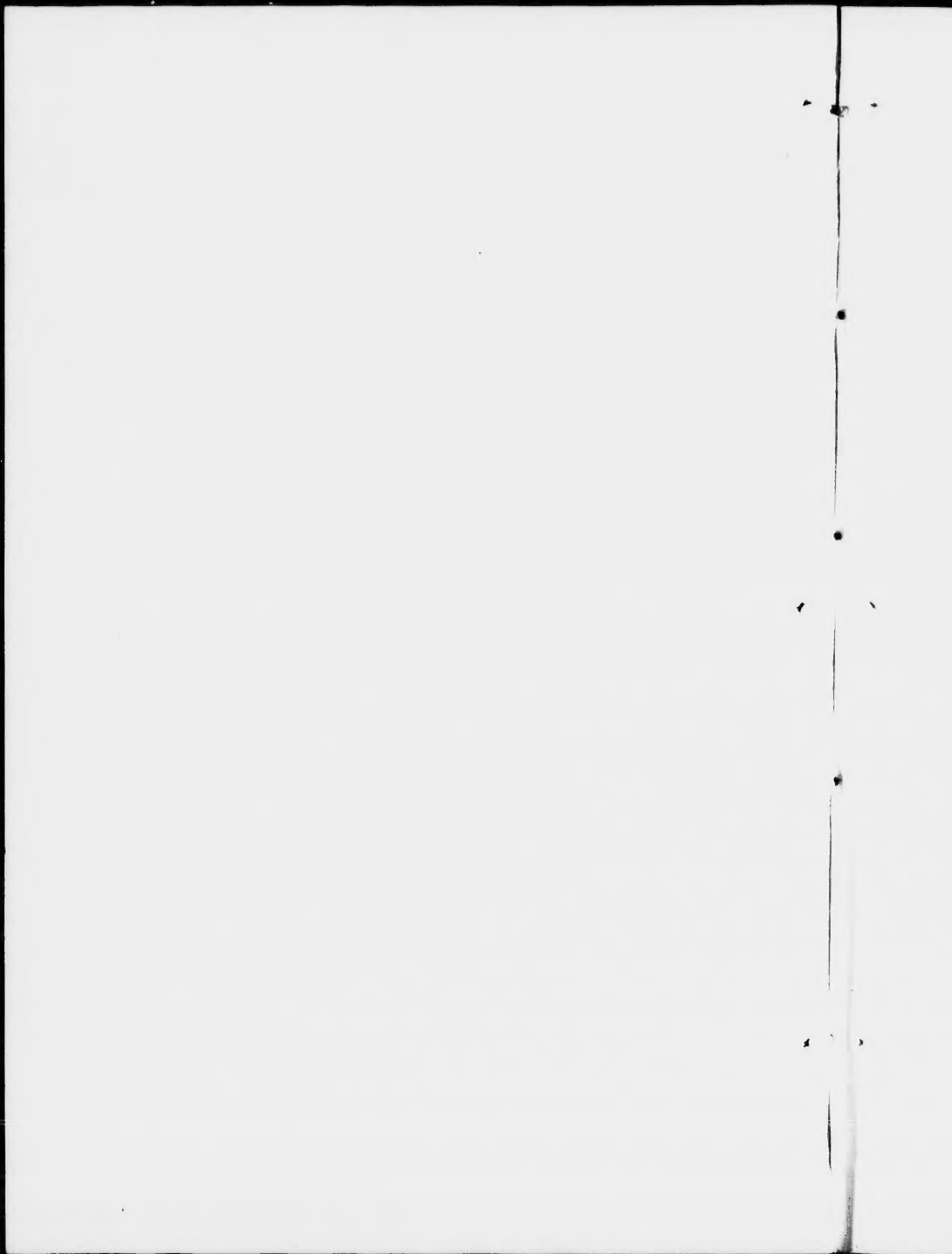
KING'S COLLEGE.

Passed by the Provincial Parliament of Upper Canada,
on the 4th March, 1837.

TORONTO:

H. & W. ROWSELL, KING STREET.

MDCCCXLII.



AN ACT
TO AMEND THE CHARTER
OF THE
UNIVERSITY OF KING'S COLLEGE.

[Passed 4th March, 1837.]

WHEREAS His late Majesty King George the Fourth, was graciously pleased to issue his Letters Patent, bearing date at Westminster, the Fifteenth day of March, in the eighth year of His Reign, in the words following:—
“George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and so forth: To all to whom these Presents shall come—Greeting: *Whereas* the establishment of a College within our Province of Upper Canada, in North America, for the education of Youth in the principles of Christian Religion, and for their instruction in the various branches of Science and Literature which are taught in our Universities in this Kingdom, would greatly conduce to the welfare of our said Province: *And whereas*, humble application hath been made to Us by many of our loving Subjects in our said Province, that We would be pleased to grant our Royal Charter for the more perfect establishment of a College therein, and for incorporating the Members thereof, for the purposes aforesaid: *Now Know Ye*, that We having taken the premises into Our Royal consideration, and duly weighing the great utility and importance of such an Institution, have, of our special grace, certain knowledge, and mere motion, ordained and granted, and do by these Presents for Us, our Heirs and Successors, ordain and grant, that there shall be established, at or near our Town of York, in our said Province

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of Upper Canada, from this time, one College, with the style and privileges of an University, as hereinafter directed, for the education and instruction of Youth and Students in Arts and Faculties, to continue for ever, to be called 'King's College:' And We do hereby declare and grant, that our trusty and well-beloved, the Right Reverend Father in God, Charles James, Bishop of the Diocese of Quebec, or the Bishop for the time being of the Diocese in which the said Town of York may be situate, on any future division or alteration of the said present Diocese of Quebec, shall, for Us, and on our behalf, be Visitor of the said College; and that our trusty and well-beloved Sir Peregrine Maitland, our Lieutenant Governor of our said Province, or the Governor, Lieutenant Governor, or Person administering the Government of our said Province, for the time being, shall be the Chancellor of our said College: And We do hereby declare, ordain and grant, that there shall at all times be one President of our said College, who shall be a Clergyman, in Holy Orders, of the United Church of England and Ireland, and that there shall be such and so many Professors in different Arts and Faculties within our said College, as from time to time shall be deemed necessary or expedient, and as shall be appointed by Us or by the Chancellor of our said College, in our behalf and during our pleasure: And We do hereby grant and ordain, that the Reverend John Strachan, Doctor in Divinity, Archdeacon of York, in our said Province of Upper Canada, shall be the first President of our said College; and the Archdeacon of York, in our said Province, for the time being, shall by virtue of such his Office, be at all times the President of the said College: And We do hereby for Us, our Heirs and Successors, will, ordain and grant, that the said Chancellor and President, and the said Professors of our said College, and all persons who shall be duly matriculated into and admitted as Scholars of our said College, and their Successors, for ever, shall be one distinct and separate Body Politic and Corporate, in deed

and in name, by the name and style of 'The Chancellor, President, and Scholars of King's College, at York, in the Province of Upper Canada,' and that by the same name they shall have perpetual succession, and a Common Seal, and that they and their Successors shall, from time to time, have full power to alter, renew or change such Common Seal, at their will and pleasure, and as shall be found convenient; and that by the same name they the said Chancellor, President and Scholars, and their Successors, from time to time, and at all times hereafter, shall be able and capable to have, take, receive, purchase, acquire, hold, possess, enjoy and maintain, to and for the use of the said College, any Messuages, Lands, Tenements and Hereditaments, of what kind, nature or quality soever, situate and being within our said Province of Upper Canada, so as the same do not exceed in yearly value the sum of Fifteen Thousand Pounds, Sterling, above all charges, and moreover to take, purchase, acquire, have, hold, enjoy, receive, possess and retain, all or any Goods, Chattels, Charitable or other Contributions, Gifts or Benefactions whatsoever: And We do hereby declare and grant that the said Chancellor, President and Scholars, and their Successors, by the same name, shall and may be able and capable in Law, to sue and be sued, implead and be impleaded, answer and be answered, in all or any Court or Courts of Record within our United Kingdom of Great Britain and Ireland, and our said Province of Upper Canada, and other our Dominions, in all and singular actions, causes, pleas, suits, matters and demands whatsoever, of what nature or kind soever, in as large, ample and beneficial a manner and form as any other Body Politic and Corporate, or any other our liege Subjects, being persons able and capable in Law, may or can sue, implead or answer, or be sued, impleaded or answered, in any manner whatsoever: And We do hereby declare, ordain and grant, that there shall be within our said College or Corporation a Council, to be called and known by the name of 'The College Council,' and We do will

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and ordain that the said Council shall consist of the Chancellor and President, for the time being, and of Seven of the Professors in Arts and Faculties, of our said College, and that such seven Professors shall be Members of the Established United Church of England and Ireland, and shall previously to their admission into the said College Council, severally sign and subscribe the Thirty-nine Articles of Religion, as declared and set forth in the Book of Common Prayer; and in case at any time there should not be within our said College Seven Professors of Arts and Faculties, being Members of the Established Church aforesaid, then our will and pleasure is, and We do hereby grant and ordain, that the said College Council shall be filled up to the requisite number of Seven, exclusive of the Chancellor and President, for the time being, by such persons being Graduates of our said College, and being Members of the Established Church aforesaid, as shall for that purpose be appointed by the Chancellor, for the time being, of our said College, and which Members of Council shall in like manner subscribe the Thirty-nine Articles aforesaid, previously to their admission in the said College Council. *And whereas* it is necessary to make provision for the completion and filling up of the said Council, at the first institution of our said College, and previously to the appointment of any Professors or the conferring of any Degrees therein: Now We do further ordain and declare, that the Chancellor of our said College for the time being, shall, upon or immediately after the first institution thereof, by Warrant under his hand, nominate and appoint Seven discreet and proper persons, resident within our said Province of Upper Canada, to constitute jointly with him the said Chancellor and the President of our said College, for the time being, the first or original Council of our said College, which first or original Members of the said Council shall in like manner respectively subscribe the Thirty-nine Articles aforesaid, previously to their admission into the said Council: and We do further declare and grant, that the Members of the said College

Council, holding within our said College the Offices of Chancellor, President, or Professor in any Art or Faculty, shall respectively hold their seats in the said Council, so long as they and each of them shall retain such their Offices as aforesaid, and no longer, and that the Members of the said Council not holding Offices in our said College shall, from time to time, vacate their seats in the said Council, when and so soon as there shall be an adequate number of Professors in our said College, being Members of the Established Church aforesaid, to fill up the said Council to the requisite number before mentioned: And We do hereby authorise and empower the Chancellor, for the time being, of our said College, to decide in each case what particular Member of the said Council not holding any such Office as aforesaid, shall vacate his seat in the said Council, upon the admission of any new Member of Council holding any such Office: And We do hereby declare and grant that the Chancellor, for the time being, of our said College, shall preside at all meetings of the said College Council which he may deem it proper and convenient to attend, and that in his absence the President of our said College shall preside at all such meetings, and that in the absence of the said President, the Senior Member of the said Council present at any such meeting shall preside thereat, and that the seniority of the Members of the said Council, other than the Chancellor and President, shall be regulated according to the date of their respective appointments: *Provided always*, that the Members of the said Council being Professors in our said College, shall in the said Council take precedence over, and be considered as Seniors to the Members thereof not being Professors in our said College: And We do ordain and declare, that no meeting of the said Council shall be, or be held to be a lawful meeting thereof, unless five Members, at the least, be present during the whole of every such meeting; and that all questions and resolutions proposed for the decision of the said College Council, shall be determined by

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the majority of the votes of the Members of Council present, including the vote of the Presiding Member, and that in the event of an equal division of such votes, the Member presiding at any such meeting shall give an additional or casting vote: And We do further declare, that if any Member of the said Council shall die, or resign his seat in the said Council, or shall be suspended or removed from the same, or shall, by reason of any bodily or mental infirmity, or by reason of his absence from the said Province, become incapable, for three calendar months, or upwards, of attending the meetings of the said Council, then, and in every such case, a fit and proper person shall be appointed by the said Chancellor, to act as, and be a Member of the said Council, in the place and stead of the Member so dying or resigning, or so suspended, or removed, or incapacitated, as aforesaid, and such new Member succeeding to any Member so suspended or incapacitated, shall vacate such, his office, on the removal of any such suspension, or at the termination of any such incapacity aforesaid of his immediate predecessor in the said Council: And We do further ordain and grant, that it shall and may be competent to and for the Chancellor for the time being of our said College, to suspend from his seat in the said Council, any Member thereof, for any just and reasonable cause to the said Chancellor appearing: *Provided*, that the grounds of every such suspension shall be entered and recorded, at length, by the said Chancellor, in the Books of the said Council, and signed by him; and every person so suspended, shall, thereupon, cease to be a Member of the said Council, unless, and until he shall be restored to, and re-established in such his station therein, by any order to be made in the premises by Us, or by the said Visitor of our said College, acting on our behalf, and in pursuance of any special reference from Us: And We do further declare, that any Member of the said Council who, without sufficient cause, to be allowed by the said Chancellor, by an order entered for that purpose on the

Books of the said Council, shall absent himself from all the meetings thereof which may be held within any six successive calendar months, shall thereupon vacate such his seat in the said Council: And We do by these Presents, for Us, our Heirs and Successors, will, ordain and grant, that the said Council of our said College shall have power and authority to frame and make Statutes, Rules, and Ordinances, touching and concerning the good government of the said College, the performance of Divine Service therein, the Studies, Lectures, Exercises, Degrees in Arts and Faculties, and all matters regarding the same; the residence and duties of the President of our said College; the number, residence and duties, of the Professors thereof; the management of the Revenues and Property of our said College; the salaries, stipends, provision and emoluments, of and for the President, Professors, Scholars, Officers and Servants thereof; the number and duties of such Officers and Servants; and also touching and concerning any other matter or thing which to them shall seem good, fit and useful, for the well-being and advancement of our said College, and agreeable to this our Charter; and also, from time to time, by any new Statutes, Rules or Ordinances, to revoke, renew, augment or alter, all, every, or any of the said Statutes, Rules and Ordinances, as to them shall seem meet and expedient: *Provided always*, that the said Statutes, Rules and Ordinances, or any of them, shall not be repugnant to the Laws and Statutes of the United Kingdom of Great Britain and Ireland, or of our said Province of Upper Canada, or to this our Charter: *Provided also*, that the said Statutes, Rules, and Ordinances, shall be subject to the approbation of the said Visitor of our said College for the time being, and shall be forthwith transmitted to the said Visitor for that purpose; and that in case the said Visitor shall, for us and on our behalf, in writing, signify his disapprobation thereof within two years of the time of their being so

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made and framed, the same, or such part thereof as shall be so disapproved of by the said Visitor, shall, from the time of such disapprobation being made known to the said Chancellor of our said College, be utterly void and of no effect, but otherwise, shall be and remain in full force and virtue: *Provided, nevertheless,* and We do hereby expressly save and reserve to Us, our Heirs and Successors, the power of reviewing, confirming or reversing, by any order or orders to be by Us or them made, in our or their Privy Council, all or any of the decisions, sentences or orders, so to be made as aforesaid by the said Visitor, for Us and on our behalf, in reference to the said Statutes, Rules and Ordinances, or any of them: And We do further ordain and declare, that no Statute, Rule or Ordinance, shall be framed or made by the said College Council, touching the matters aforesaid, or any of them, excepting only such as shall be proposed for the consideration of the said Council by the Chancellor for the time being of our said College: and We do require and enjoin the said Chancellor thereof, to consult with the President of our said College, and the next Senior Member of the said College Council, respecting all Statutes, Rules and Ordinances, to be proposed by him to the said Council, for their consideration: And We do hereby, for Us, our Heirs and Successors, charge and command, that the Statutes, Rules or Ordinances, aforesaid, subject to the said provisions, shall be strictly and inviolably observed, kept and performed, from time to time, in full vigour and effect, under the penalties to be thereby or therein imposed or contained: and We do further will, ordain and grant, that the said College shall be deemed and taken to be an University, and shall have and enjoy all such and the like privileges as are enjoyed by our Universities of our United Kingdom of Great Britain and Ireland, as far as the same are capable of being had or enjoyed, by virtue of these our Letters Patent; and that the Students in the said College shall have liberty and faculty of taking the degrees of Bachelor,

Master and Doctor, in the several Arts and Faculties, at the appointed times, and shall have liberty within themselves of performing all Scholastic Exercises, for the conferring such degrees, in such manner as shall be directed by the Statutes, Rules and Ordinances of the said College: And We do further will, ordain and appoint, that no Religious test or qualification shall be required of, or appointed for any persons admitted or matriculated as Scholars within our said College, or of persons admitted to any degree in any Art or Faculty therein, save only that all persons admitted within our said College to any degree in Divinity, shall make such and the same declarations and subscriptions, and take such and the same oaths as are required of persons admitted to any degree of Divinity in our University of Oxford: And We do further will and direct and ordain, that the Chancellor, President and Professors of our said College, and all persons admitted therein to the degree of Master of Arts, or to any degree in Divinity, Law or Medicine, and who, from the time of such their admission to such degree, shall pay the annual sum of Twenty Shillings, Sterling Money, for and towards the support and maintenance of the said College, shall be, and be deemed, taken and reputed, to be Members of the Convocation of the said University, and as such Members of the said Convocation shall have, exercise and enjoy, all such and the like privileges as are enjoyed by the Members of the Convocation of our University of Oxford, so far as the same are capable of being had and enjoyed, by virtue of these our Letters Patent, and consistently with the provisions thereof: And We will, and by these Presents for Us, our Heirs and Successors, do grant and declare, that these our Letters Patent, or the enrolment or exemplification thereof, shall and may be good, firm, valid, sufficient and effectual, in the Law, according to the true intent and meaning of the same, and shall be taken, construed and adjudged, in the most favorable and beneficial sense, for the best advantage of the said Chancellor,

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President and Scholars of our said College, as well in our Courts of Record as elsewhere, and by all and singular Judges, Justices, Officers, Ministers and other Subjects whatsoever, of Us, our Heirs and Successors, any misrecital, non-recital, omission, imperfection, defect, matter, cause or thing whatsoever, to the contrary thereof in anywise notwithstanding: In Witness whereof We have caused these our Letters to be made Patent:—Witness Ourselves at Westminster, the Fifteenth day of March, in the Eighth year of Our Reign—By writ of Privy Seal. —(Signed)—Bathurst": *And whereas*, certain alterations appear necessary to be made in the same, in order to meet the desire and circumstances of the Colony, and that the said Charter may produce the benefits intended: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and established by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That for and notwithstanding any thing in the said Charter contained, the Judges of His Majesty's Court of King's Bench shall, for and on behalf of the King, be Visitors of the said College, in the place and stead of the Lord Bishop of the Diocese of Quebec, for the time being, and that the President of the said University, on any future vacancy, shall be appointed by His Majesty, His Heirs and Successors, without requiring that he should be the Incumbent of any Ecclesiastical Office; and that the Members of the College Council, including the Chancellor and President, shall be Twelve in number, of whom the Speakers of the two Houses of the Legislature of the

Judges of King's
Bench shall be
Visitors of the said
College:

President, on any
future vacancy, need
not be the Incumbent
of any Ecclesiastical
office:

College Council to
consist of twelve
Members.

Province, and His Majesty's Attorney and Solicitor General for the time being shall be four, and the remainder shall consist of the five Senior Professors of Arts and Faculties of the said College, and of the Principal of the Minor or Upper Canada College; and in case there shall not at any time be five Professors as aforesaid in the said College, and until Professors shall be appointed therein, the Council shall be filled with Members to be appointed as in the said Charter is provided, except that it shall not be necessary that any Member of the College Council to be so appointed, or that any Member of the said College Council, or any Professor, to be at any time appointed, shall be a Member of the Church of England, or subscribe to any Articles of Religion other than a declaration that they believe in the authenticity and Divine Inspiration of the Old and New Testament, and in the doctrine of the Trinity; and further, that no religious test or qualification be required or appointed for any person admitted or matriculated as Scholars within the said College, or of persons admitted to any degree or faculty therein.

No Member of the College Council, or Professor of the University, need be a member of the Church of England.

No religious test required of Students.

II. *And whereas*, it is expedient that the Minor or Upper Canada College, lately erected in the City of Toronto, should be incorporated with, and form an appendage of the University of King's College: *Be it therefore enacted by the authority aforesaid*, That the said Minor or Upper Canada College shall be incorporated with, and form an appendage of the University of King's College, and be subject to its jurisdiction and control.

Upper Canada College incorporated with the University of King's College.

III. *And be it further enacted by the authority aforesaid*, That the Principal of the said Minor or Upper Canada College shall be appointed by the King, during His Majesty's pleasure.

Principal of Upper Canada College to be appointed by His Majesty during pleasure.

IV. *And be it further enacted by the authority aforesaid*, That the Vice-Principal and Tutors of the said Minor or Upper Canada College, shall be nominated by the Chancellor of the University of King's College, subject to the approval or disapproval of the Council thereof.

Vice Principal and Tutors of Upper Canada College to be nominated by the Chancellor of King's College, subject to the approval of the College Council.

Chancellor of King's
College may suspend
or remove Vice-Principal or Tutors of
King's College.

V. *And be it further enacted by the authority aforesaid,*
That it shall and may be lawful for the Chancellor of
the said University, for the time being, to suspend or
remove either the Vice-Principal or Tutors of the said
Minor or Upper Canada College: *Provided*, that such
suspension or removal be recommended by the Council
of the said University, and the grounds of such suspension
or removal recorded at length in the Books of the
said Council.